

# Order

Michigan Supreme Court  
Lansing, Michigan

December 20, 2007

Clifford W. Taylor,  
Chief Justice

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Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

SHARON MULLEN,  
Plaintiff-Appellee,

v

SC: 134418  
COA: 275262  
Eaton CC: 06-000164-NO

OPAL ZERFAS,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the June 1, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Eaton Circuit Court for reconsideration of the defendant's motion for summary disposition. The Court of Appeals in *O'Donnell v Garasic*, 259 Mich App 569 (2003), erred by indicating that MCL 554.139(1) establishes a duty on the part of owners of leased residential property to invitees or licensees generally. The covenants created by the statute establish duties of a lessor or licensor of residential property to the lessee or licensee of the residential property, most typically of a landlord to a tenant. By the terms of the statute, the duties exist between the contracting parties. The defendant landlord did not have a duty under MCL 554.139(1) to the plaintiff, a social guest of the tenant. On remand, the circuit court must decide the defendant's motion for summary disposition under common law premises liability principles.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 20, 2007

*Corbin R. Davis*

Clerk